

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR 1:19-04272-001 WJ
)	
vs.)	
)	
KAYLA BAKER,)	
)	
Defendant.)	

Motion to modify conditions of release
(for consideration by Magistrate Judge)

Defendant, Kayla Baker, by and through her attorney, Aric G. Elsenheimer, Assistant Federal Public Defender, moves the Court to issue an Order modifying the conditions of release to remove the requirement of a third party custodian. As grounds for this motion, the Defendant states the following:

1. Ms. Baker is charged by indictment with Count 1 – Involuntary Manslaughter, contrary to 18 U.S.C. §§ 1112 and 1153, and Count 2 – Assault of a Minor Resulting in Serious Bodily Injury, contrary to 18 U.S.C. §§ 113(a)(6), 3559(f)(3) and 1153.

2. Ms. Baker is currently released on conditions of release and is required to reside with third-party custodian Carol Tapaha. (Doc. 15). The

probation office has indicated that they will approve Ms. Baker's modification of her conditions of release to allow her to no longer have a third party custodian and to live at a residence of her own, subject to pretrial's approval. Ms. Baker requests that the Court modify her conditions of release to remove the requirement that she have a third-party custodian and replace that condition with the condition that she be allowed to live at a residence of her own, subject to pretrial's approval. Ms. Baker also requests that all other conditions of release previously imposed remain in full force and effect.

3. U.S. Probation Officer Jeff Martinez-Spelich does not oppose this motion.

4. The Assistant United States Attorney Nicholas Marshall, does not oppose to this motion.

WHEREFORE, Ms. Baker respectfully requests that the Court issue an order modifying Ms. Baker's conditions of release to permit her to live at a residence of her own, subject to pretrial's approval and remove the requirement of third-party custodian. Ms. Baker additionally requests that all other conditions of release previously imposed remain in full force and effect.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER

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/s/ Aric G. Elsenheimer

Assistant Federal Public Defender